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November 9, 2010

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation
WT Docket No. 05-265

Dear Ms Dortch:

T-Mobile USA, Inc. ("T-Mobile") is filing this in response to the letter filed by AT&T Services, Inc. ("AT&T") in this proceeding on November 3, 2010.^{1/} AT&T's letter states that it is willing to amend its current roaming agreement with T-Mobile to include 3G roaming.^{2/}

While our respective recollections and understandings of prior discussions between T-Mobile and AT&T evidently vary significantly, T-Mobile welcomes the opportunity to engage with AT&T to achieve a 3G roaming agreement at reasonable and nondiscriminatory terms. We wish to clarify one technical issue, however. To the extent the email attached to AT&T's letter could be read to suggest that T-Mobile cannot roam on AT&T because our respective 3G networks operate on different frequency bands, we simply note that this is a non-issue. Our 2G phones include the necessary chipsets for roaming at 850 MHz, the U.S. cellular band, and on the 900 MHz and 1800 MHz international bands, none of which we have in our own network. Likewise, we have already moved to include additional 3G bands on both our datacentric and smartphone devices, in part to enable our customers to obtain 3G service while roaming in Canada and Mexico. We also have a significant number of subscribers using 3G handsets acquired from AT&T, who obviously have the capability for data roaming on AT&T's network.

Notwithstanding AT&T's welcome outreach, however, we still believe strongly that the Commission must ensure the market for data roaming services is working efficiently and fairly. As the record in this proceeding has shown, far too often large carriers fail to provide data

^{1/} Letter from Jeanine Poltronieri, Assistant Vice President, External Affairs, AT&T Services, Inc. to Marlene H. Dortch, Secretary, FCC, WT Docket No. 05-265 (filed Nov. 3, 2010).

^{2/} *Id.*

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roaming at reasonable rates, terms and conditions – or simply withhold data roaming altogether.^{3/} This diminishes competition at the retail level and harms consumers.

The Commission should adopt a rule that makes clear that data roaming agreements must be just, reasonable, and non-discriminatory, just as it has done in the voice roaming context. Since AT&T has 3G roaming agreements with foreign carriers, those can provide one set of reference points as to what is feasible and reasonable in 3G roaming arrangements with U.S. carriers. As our filings in this proceeding demonstrate, a data roaming rule is important to competition and to the deployment of ubiquitous broadband service.

Please direct any questions regarding this filing to the undersigned.

Sincerely,

/s/

Thomas J. Sugrue
Vice President, Government Affairs

cc: Austin Schlick
Julie Veach
David Horowitz
Chris Killion
Ruth Milkman
James Schlichting
Paul Murray
Nese Guendelsberger
Peter Trachtenberg

^{3/} See Letter from Caressa D. Bennet, Rural Telecommunications Group, Inc. to Marlene H. Dortch, Secretary, FCC, WT Docket No. 05-265 (filed Nov. 3, 2010) (“despite AT&T’s public assertions to the contrary, AT&T has boldly stated to RTG members that it will not enter into 3G data roaming agreements with rural carriers”).